



General Assembly

Substitute Bill No. 6417

January Session, 2011

* HB06417PS_JUD031011 *

***AN ACT CONCERNING CONSTABLES WHO PERFORM CRIMINAL
LAW ENFORCEMENT DUTIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-1f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) For purposes of this section, the respective precinct or
4 jurisdiction of a state marshal or judicial marshal shall be wherever
5 such marshal is required to perform duties. Peace officers, as defined
6 in subdivision (9) of section 53a-3, in their respective precincts, shall
7 arrest, without previous complaint and warrant, any person for any
8 offense in their jurisdiction, when the person is taken or apprehended
9 in the act or on the speedy information of others, provided that no
10 constable elected pursuant to the provisions of section 9-200 shall be
11 considered a peace officer for the purposes of this subsection, unless
12 the town in which such constable holds office provides, by ordinance,
13 that constables shall be considered peace officers for the purposes of
14 this subsection.

15 (b) Members of the Division of State Police within the Department
16 of Public Safety or of any local police department or any chief
17 inspector or inspector in the Division of Criminal Justice shall arrest,
18 without previous complaint and warrant, any person who the officer

19 has reasonable grounds to believe has committed or is committing a
20 felony.

21 (c) Any constable, who is certified under the provisions of sections
22 7-294a to 7-294e, inclusive, and performs criminal law enforcement
23 duties, shall arrest, without previous complaint and warrant, any
24 person who the constable has reasonable grounds to believe has
25 committed or is committing a felony.

26 ~~[(c)]~~ (d) Members of any local police department or the Office of
27 State Capitol Police and constables and state marshals who are
28 certified under the provisions of sections 7-294a to 7-294e, inclusive,
29 and who perform criminal law enforcement duties, when in immediate
30 pursuit of one who may be arrested under the provisions of this
31 section, are authorized to pursue the offender outside of their
32 respective precincts into any part of the state in order to effect the
33 arrest. Such person may then be returned in the custody of such officer
34 to the precinct in which the offense was committed.

35 ~~[(d)]~~ (e) Any person arrested pursuant to this section shall be
36 presented with reasonable promptness before proper authority.

37 Sec. 2. Section 30-45 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2011*):

39 The Department of Consumer Protection shall refuse permits for the
40 sale of alcoholic liquor to the following persons: (1) Any state marshal,
41 judicial marshal, judge of any court, prosecuting officer or member of
42 any police force, (2) any first selectman holding office and acting as a
43 chief of police in the town within which the permit premises are to be
44 located, (3) a minor, and (4) any constable who performs criminal law
45 enforcement duties and is considered a peace officer by town
46 ordinance pursuant to the provisions of subsection (a) of section 54-1f,
47 as amended by this act, any constable who is certified under the
48 provisions of sections 7-294a to 7-294e, inclusive, who performs
49 criminal law enforcement duties pursuant to the provisions of

50 subsection [(c)] (d) of section 54-1f, as amended by this act, or any
51 special constable appointed pursuant to section 7-92. This section shall
52 not apply to out-of-state shippers', boat and airline permits. As used in
53 this section, "minor" means a minor as defined in section 1-1d or as
54 defined in section 30-1, whichever age is older.

55 Sec. 3. Subsection (c) of section 54-33a of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2011*):

58 (c) A warrant may issue only on affidavit sworn to by the
59 complainant or complainants before the judge or judge trial referee
60 and establishing the grounds for issuing the warrant, which affidavit
61 shall be part of the arrest file. If the judge or judge trial referee is
62 satisfied that grounds for the application exist or that there is probable
63 cause to believe that [they] such grounds exist, the judge or judge trial
64 referee shall issue a warrant identifying the property and naming or
65 describing the person, place or thing to be searched. The warrant shall
66 be directed to any police officer of a regularly organized police
67 department or any state police officer, to an inspector in the Division of
68 Criminal Justice, [or to a] to any conservation officer, special
69 conservation officer or patrolman acting pursuant to section 26-6 or to
70 any constable who is certified under the provisions of sections 7-294a
71 to 7-294e, inclusive, and performs criminal law enforcement duties.
72 The warrant shall state the date and time of its issuance and the
73 grounds or probable cause for its issuance and shall command the
74 officer to search within a reasonable time the person, place or thing
75 named, for the property specified. The inadvertent failure of the
76 issuing judge or judge trial referee to state on the warrant the time of
77 its issuance shall not in and of itself invalidate the warrant.

78 Sec. 4. Section 53a-130a of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2011*):

80 (a) A person is guilty of impersonation of a police officer when [he]
81 such person pretends to be a sworn member of an organized local

82 police department or the Division of State Police within the
 83 Department of Public Safety or a constable who performs criminal law
 84 enforcement duties, or wears or displays without authority any
 85 uniform, badge or shield by which such police officer or such constable
 86 is lawfully distinguished, with intent to induce another person to
 87 submit to such pretended official authority or otherwise to act in
 88 reliance upon that pretense.

89 (b) Impersonation of a police officer is a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	54-1f
Sec. 2	<i>October 1, 2011</i>	30-45
Sec. 3	<i>October 1, 2011</i>	54-33a(c)
Sec. 4	<i>October 1, 2011</i>	53a-130a

PS

Joint Favorable Subst. C/R

JUD